

## 1 SENATE BILL NO. 248

2 INTRODUCED BY E. BOLDMAN, B. BENNETT, M. BLASDEL, J. ELLSWORTH, S. FITZPATRICK, T.  
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 4 WELBORN, A. BUCKLEY, E. BUTTREY, W. GALT, F. GARNER, D. HARVEY, M. HOPKINS, J. KEANE, C.  
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 7 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING STUDENT-ATHLETE RIGHTS AND  
 8 PROTECTIONS; ENSURING THAT A STUDENT-ATHLETE CAN EARN COMPENSATION FOR THE USE OF  
 9 THE STUDENT-ATHLETE'S NAME, IMAGE, OR LIKENESS; AND PROVIDING A DELAYED EFFECTIVE  
 10 DATE."

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 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13  
 14 NEW SECTION. **Section 1. Student-athlete rights and protections.** (1) As used in this section:

15 (a) "Postsecondary institution" means a 2-year or 4-year public or private college or university located  
 16 in the state.

17 (b) (i) "Student-athlete rights" means the rights of a student-athlete enrolled in a postsecondary  
 18 institution to earn compensation for the use of the student-athlete's name, image, or likeness and to contract  
 19 with and retain professional representation of an athlete agent.

20 (ii) The term does not include a right to receive compensation from a postsecondary institution.

21 (2) Except as provided in ~~this section~~ SUBSECTIONS (3) THROUGH (6), a postsecondary institution or an  
 22 athletic association, conference, or organization with authority over intercollegiate sports may not:

23 (a) prohibit, prevent, or restrict a student-athlete from exercising the student-athlete's rights;

24 (b) penalize or retaliate against a student-athlete for exercising the student-athlete's rights;

25 (c) prohibit a student-athlete from participating in an intercollegiate sport for exercising the student-  
 26 athlete's rights; or

27 (d) SUBJECT TO SUBSECTION (5)(A), impose an eligibility requirement on a scholarship or grant that  
 28 requires a student-athlete to refrain from exercising the student-athlete's rights.

1           (3) (a) A student-athlete may not enter into a contract that provides compensation to the student-  
 2 athlete for the use of the student-athlete's name, image, or likeness if terms of the contract conflict with the  
 3 student-athlete's team rules or with terms of a contract entered into between the student-athlete's  
 4 postsecondary institution and a third party, except the team rules or a contract entered into between the  
 5 postsecondary institution and a third party may not prevent a student-athlete from earning compensation for the  
 6 use of the student-athlete's name, image, or likeness when not engaged in official team activities.

7           (b) A student-athlete who enters into a contract that provides compensation to the student-athlete for  
 8 the use of the student-athlete's name, image, or likeness shall disclose the contract to an official of the  
 9 postsecondary institution if the student-athlete is a team member or, if the student-athlete is not a team  
 10 member, at the time the student-athlete seeks to become a team member.

11           (c) If a postsecondary institution asserts that the terms of the contract conflict with the team rules or  
 12 with terms of a contract entered into between the student-athlete's postsecondary institution and a third party,  
 13 the unit shall disclose the specific rules or terms asserted to be in conflict to the student-athlete or to the  
 14 student-athlete's professional representative or athlete agent if the student-athlete is represented.

15           (4) A postsecondary institution or an athletic association, conference, or organization with authority  
 16 over intercollegiate sports may not provide to a prospective or current student-athlete compensation for use of  
 17 the student-athlete's name, image, or likeness.

18           ~~(5) A POSTSECONDARY SCHOOL MAY:~~

19           ~~(A) INCLUDE PROVISIONS IN SCHOLARSHIP AGREEMENTS ALLOWING THE POSTSECONDARY SCHOOL TO USE~~  
 20 ~~THE ATHLETE'S NAME, IMAGE, AND LIKENESS;~~

21           ~~(B) PROHIBIT THE USE OF AN ATHLETE'S NAME, IMAGE, AND LIKENESS ON SCHOOL PROPERTY, AT SCHOOL~~  
 22 ~~FUNCTIONS, OR IN ANY ADVERTISING MATERIAL DISTRIBUTED OR PLACED ON SCHOOL PROPERTY;~~

23           ~~(C) SERVE AS AN AGENT FOR THE ATHLETE TO MANAGE ANY CONTRACT USING AN ATHLETE'S NAME, IMAGE,~~  
 24 ~~AND LIKENESS; OR~~

25           ~~(D) DO ANY COMBINATION OF SUBSECTIONS (5)(A) THROUGH (5)(C).~~

26           ~~(5) (6)~~ Nothing in this section prohibits a postsecondary institution from establishing or enforcing a  
 27 conduct code that is applicable to all students enrolled at the unit.

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1            NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an  
2 integral part of Title 20, chapter 1, part 2, and the provisions of Title 20, chapter 1, part 2, apply to [section 1].

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4            NEW SECTION. Section 3. Effective date. [This act] is effective ~~July~~ JUNE 1, 2023.

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